

<div><div><b>ARTICLE 8.</b></div><div><b>NONCONFORMING USES AND BUILDINGS</b></div></div>
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## ARTICLE 8. NONCONFORMING USES AND BUILDINGS

### SECTION 8.01 NONCONFORMING USES

- (A) ***Nonconforming uses*** of land or ***structures***, and nonconforming ***structures*** that contain ***nonconforming uses*** may continue only in accordance with the provisions of this section.
- (B) Normal repair and maintenance of any ***structure*** containing a ***nonconforming use*** may be performed to allow the continuation of a ***nonconforming use***.
- (C) A ***nonconforming use*** shall not be expanded or increased.
- (D) A ***structure*** in which a ***nonconforming use*** is located shall not be moved unless the use thereafter shall conform to the standards of the ***zoning*** district or districts to which it is moved.
- (E) Where a ***nonconforming use*** is visibly discontinued for six (6) consecutive months, then the use shall not be reestablished or resumed, and any subsequent use of the land or ***structure*** shall conform to the requirements of these ***regulations***.

### SECTION 8.02 NONCONFORMING STRUCTURES

- (A) A nonconforming ***structure*** devoted to a use permitted in the ***zoning*** district in which it is located may continue only in accordance with the provisions of this section.
- (B) Normal repair and maintenance of a nonconforming ***structure*** may be performed to allow the continuation of nonconforming ***structures***.
- (C) Except as provided in Subsection (D) below, a nonconforming ***structure*** shall not undergo a change of use, renovation, or expansion.
- (D) A nonconforming ***structure*** may undergo a change of use or renovation without having to bring the ***structure*** into conformity with the requirements of these ***regulations***, provided that:
  - (1) Nonconforming ***structures*** may not be expanded, extended, or altered in any way that would increase nonconformity;
  - (2) The change in use is to a permitted use within the district; and
  - (3) The number of parking spaces provided for the use is in conformity with the requirements of these ***regulations***.

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- (E) A nonconforming **structure** shall not be moved unless it thereafter conforms to the standards of the **zoning** district in which it is located.

### **SECTION 8.03 NONCONFORMING BUILDINGS CONTAINING A NONCONFORMING USE**

Any **nonconforming building** or any building containing a **nonconforming use** which has been damaged by fire or other cause may be reconstructed to its original dimensions only and used as before as long as a building permit is obtained within one hundred eighty (180) days of such damage, unless, such building or **structure** has been declared by the Building Inspector to have been damaged or improved to an extent exceeding fifty percent (50%) of its reproducible value at the time of destruction. In that event, said building may only be reconstructed and used in a manner which conforms to the requirements of all Town ordinances.

### **SECTION 8.04 NONCONFORMING MOBILE HOME**

An existing mobile home or **manufactured home** located in a nonconforming mobile home or manufactured housing park in operation at the time of adoption of these **regulations** may be replaced with another mobile home or **manufactured home** provided the number of mobile home or **manufactured home** units may not be increased beyond the number available before replacement and the replacing mobile home must not create nonconforming **yards**, separation distances, or increase existing nonconforming **yards** or separation distances.

### **SECTION 8.05 NONCONFORMING ACCESSORY USES AND ACCESSORY STRUCTURES**

- (A) No nonconforming **accessory use** or **accessory structure** shall continue after the principal use or **structure** is terminated by discontinuance, damage, or destruction unless such **accessory use** or **accessory structure** thereafter is made to conform to the standards for the **zoning** district in which it is located.
- (B) A nonconforming **accessory use** or **accessory structure** may be expanded only if the nonconforming features of that use or **structure** are not expanded so as to increase the degree of nonconformity.

### **SECTION 8.06 NONCONFORMING VACANT LOTS**

- (A) Except as provided below in Subsection (B), a nonconforming vacant **lot** may be used for any of the uses permitted by these **regulations** in the **zoning** district in which it is located, provided that the use meets all limitations and minimum requirements for **setback** and **yards, height, open space, buffers**, screening, parking, and floor area required in these **regulations** for the **zoning** district in which the **lot** is located.

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- (B) A nonconforming vacant **lot** shall not be used if it could be combined with an adjoining **lot** owned by the same person on or after the effective date of these **regulations** in order to create a single **lot**. If the combination results in the creation of a single **lot** that is more than one-and-one half (1-1/2) times the width and area required in the **zoning** district, then the single **lot** may be divided into two (2) **lots** of equal width and area without being further classified as nonconforming.